

Notice of Allowability	Application No.	Applicant(s)	
	10/783,507	WANG ET AL.	
	Examiner	Art Unit	
	Jerrold Johnson	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment 18 May 2006 and Supplemental Amendments.
2. ☒ The allowed claim(s) is/are 6-8, 11-13, 19-22 and 24-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner Amendment

In the specification page 1, lines 3 and 4 amend as follows:

This application is a continuation-in-part of Ser. No. 10/685,920, filed October 15, 2003, ~~and presently pending~~ now US Patent 6,902,064.

Specification and Drawings

The amendment to the specification and drawings received 31 May 2006 via facsimile is accepted as the entirety of the amendment is either inherently, implicitly or explicitly (paragraph [0089] of the original disclosure) set forth previously in the specification. No new matter is identified. The amendment will be entered.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The Examiner has previously relied on two different combinations of two references (Hill in view of Siegelman and Siegelman in view of Hill) to reject the previously presented claims in this application. Neither of these two combinations addresses the claimed combination of a four layered package having three longitudinal (vertical) closure lines where an intermediate closure line is closer to one of the two

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lateral closure lines than the other lateral closure line *and* where a permanent closure line closes off the inner chambers formed by the inner two layers.

One would not add a permanent closure line to Hill, as it is contrary to his intended use. Therefore any rejection starting with Hill as a base reference is inappropriate.

Additionally, there is no appropriate teaching to add an intermediate closure line (such as is taught by Hill, element 15a) to the package of Siegleman where the intermediate closure line is closer to one of the lateral closure lines than the other to the reference to Siegelman. Specifically, Hill does teach adding an intermediate closure line 15a at the *center* location between the lateral edges, but does not teach moving that closure line to the claimed position. There is no appropriate teaching suggesting that the combination of Siegelman in view of the teachings of Hill could be further modified by moving the intermediate closure line (as taught by Hill) to the claimed position closer to one of the lateral closure lines.

The evidence supporting the application of the teaching of Hill of an intermediate closure line to the package of Siegelman *is not nearly strong enough* to justify a further modification (i.e. modifying the modifying reference) involving moving this intermediate closure line to the claimed position substantially closer to one of the two lateral closure lines. The package of Hill is intended for food, meat, fishing tackle, etc. The package of Siegelman is intended for sensitive electronic devices.

Accordingly, it is the Examiner's position that the application of the teaching of Hill to the package of Siegelman is appropriate, but the teaching is clearly not strong

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enough to justify further modification, which would be necessary to reject the claims under these two references.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mickey Yu
Supervisory Patent Examiner
Group 3700